

513 241 6234

P/02

## PATENT

Attorney Docket No. IBM/138  
Confirmation No. 4269

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Cary Lee Bates et al. Art Unit: 3626  
Serial No.: 09/553,010 Examiner: Vanel Frenel  
Filed: April 20, 2000 Atty. Docket No.: IBM/138  
For: LOCATION-BASED VEHICLE RISK ASSESSMENT SYSTEM

**Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450**

**NOTICE OF APPEAL FROM  
THE PRIMARY EXAMINER TO THE BOARD OF APPEALS**

Applicants hereby appeal to the Board of Appeals from the decision of the Primary Examiner mailed **July 16, 2003** finally rejecting claims 1-9, 13, 17-26, and 29-30.

**The item(s) checked below are appropriate:**

1.      Applicants hereby petition for a      month extension of time to reply to the final rejection.  
A check in the amount of \$            is attached.

2. X Appeal Fee: XXX Other than a small entity Fee: \$330.00  
 \_\_\_\_\_ Small Entity Fee: \$\_\_\_\_\_  
 \_\_\_\_\_ Verified Statement attached  
 \_\_\_\_\_ Verified Statement filed previously

3. X Payment

Check attached for the sum of \$\_\_\_\_\_

Please charge the sum of \$330.00 and any deficiency or credit  
any overpayment to Deposit Account No. 23-3000. A duplicate  
of this sheet is enclosed.

Respectfully submitted,

By: Scott A. Stinebruner  
Reg. No. 38323

Date: 16 OCT 2003

**Wood, Herron & Evans, L.L.P.**  
2700 Carew Tower  
441 Vine Street  
Cincinnati, Ohio 45202  
Telephone: (513) 241-2324  
Facsimile: (513) 241-6234

**CERTIFICATE OF FACSIMILE TRANSMISSION**

I hereby certify that this correspondence and the enclosures noted herein (3 total pages) are being transmitted via facsimile transmission to Examiner Vanel Frenel, Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 at 703-872-9327 on October 16, 2003.

Judith L. Volk October 14, 2003  
Judith L. Volk Date

**RECEIVED  
CENTRAL FAX CENTER**

OCT 16 2003  
OFFICIAL

00000001 233000  
330.00 DA

Page 1 of 1  
Serial No. 09/553,010  
Notice of Appeal dated October 16, 2003  
Reply to 07/16/2003 Final Office Action  
IBM Docket RO999233  
BY H&B/IBM/138  
When Issued Notice of Appeal was

**WOOD, HERRON & EVANS, L.L.P.**

JOHN D. POFFENBERGER  
 BRUCE TITTEL  
 DONALD F. FREI  
 DAVID J. JOSEPHIC  
 DAVID S. STALLARD  
 J. ROBERT CHAMBERS  
 GREGORY J. LUNN  
 KURT L. GROSSMAN  
 CLEMENT H. LUKEN, JR.  
 THOMAS J. BURGER  
 GREGORY F. AHRENS  
 WAYNE L. JACOBS  
 KURT A. SUMME  
 KEVIN G. ROONEY  
 KEITH R. HAUPT  
 THEODORE R. REMAKLUS  
 THOMAS W. HUMPHREY  
 SCOTT A. STINEBRUNER  
 DAVID H. BRINKMAN

OF COUNSEL  
 THOMAS W. FLYNN

2700 CAREW TOWER  
 441 VINE STREET  
 CINCINNATI, OHIO 45202-2917  
 TELEPHONE: 513-241-2324  
 FACSIMILE: 513-241-6234  
 EMAIL: info@whpatent.com  
 PATENT, TRADEMARK, COPYRIGHT  
 AND UNFAIR COMPETITION LAW  
 AND RELATED LITIGATION  
 EDMUND P. WOOD 1923-1968  
 TRUMAN A. HERRON 1935-1976  
 EDWARD B. EVANS 1936-1971

JOSEPH R. JORDAN  
 C. RICHARD EBY  
 DAVID E. PRITCHARD  
 J. DWIGHT POFFENBERGER, JR.  
 BEVERLY A. LYMAN, PH.D.  
 KATHRYN E. SMITH  
 KRISTI L. DAVIDSON  
 P. ANDREW BLATT, PH.D.  
 DAVID E. JEFFERIES  
 WILLIAM R. ALLEN, PH.D.  
 JOHN PAUL DAVIS  
 DOUGLAS A. SCHOLER  
 BRETT A. SCHATZ  
 DAVID W. DORTON  
 G. PRABHAKAR REDDY  
 SARAH OTTE GRABER  
 LARRY D. MOORE  
 WESLEY L. STRICKLAND (VA, DC BAR ONLY)

TECHNICAL ADVISORS  
 HENRY M. LABODA, PH.D.

October 16, 2003

**FACSIMILE COVER SHEET**

To: Examiner Vanel Frenel  
 Mail Stop AF  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

Fax: 703-872-9327

From: Scott A. Stinebruner  
 Reg. No. 38,323

Re: U.S. Patent Application  
 Serial No. 09/553,010  
 Filed: April 20, 2000  
 Applicant: Cary Lee Bates et al.  
 Art Unit: 3626  
 Confirmation No.: 4269  
 Our Ref: IBM/138

**Enclosures:**

Fax Cover Sheet containing Certificate of  
 Facsimile Transmission  
 Notice of Appeal (in duplicate) containing  
 Certificate of Facsimile Transmission  
 and authorization to charge Deposit  
 Account 23-3000 in the amount of  
 \$330.00 for the Notice of Appeal Fee

Pages: 3 (including cover sheet)

**MESSAGE/COMMENTS**  
**OFFICIAL**

**OFFICIAL**

**RECEIVED**  
**CENTRAL FAX CENTER**

OCT 16 2003

**CERTIFICATE OF FACSIMILE TRANSMISSION**

I hereby certify that this correspondence and the enclosures noted herein (3 total pages) are being transmitted via facsimile transmission to Examiner Vanel Frenel, Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 at 703-872-9327 on October 16, 2003.

*Judith L. Volk*  
 Judith L. Volk

*October 16, 2003*  
 Date

The information in this facsimile message is ATTORNEY-CLIENT PRIVILEGED, WORK PRODUCT and/or CONFIDENTIAL INFORMATION intended only for the use of the individual or entity to whom this message is addressed. If the reader of this message is not the intended recipient or the employee or agent responsible for delivering it to the intended recipient, you are hereby notified that any dissemination, distribution or reproduction of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone and return the original message to us at the above address via mail. Thank you. If transmission is interrupted or of poor quality, please notify us immediately by calling (513) 241-2324 and ask for the sender's assistant. OUR FAX NUMBER IS (513) 241-6234.